

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

		Date of mailing (day/month/year) see form PCT/ISA/210 (second sheet)
Applicant's or agent's file reference see form PCT/ISA/220		FOR FURTHER ACTION See paragraph 2 below
International application No. PCT/EP2004/050998	International filing date (day/month/year) 02.06.2004	Priority date (day/month/year) 29.08.2003
International Patent Classification (IPC) or both national classification and IPC H04L12/28		
Applicant MOTOROLA INC		

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:	Authorized Officer
 European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Plata-Andres, I Telephone No. +49 89 2399-6920



WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITYInternational application No.
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Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 a sequence listing
 table(s) related to the sequence listing
 - b. format of material:
 in written format
 in computer readable form
 - c. time of filing/furnishing:
 contained in the international application as filed.
 filed together with the international application in computer readable form.
 furnished subsequently to this Authority for the purposes of search.
3. In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. II Priority

1. The following document has not been furnished:

copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(a)).
 translation of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or
industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1-11
Inventive step (IS)	Yes: Claims	
	No: Claims	1-11
Industrial applicability (IA)	Yes: Claims	1-11
	No: Claims	

2. Citations and explanations

see separate sheet

**WRITTEN OPINION OF THE
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Re Item V.

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

The following documents are referred to in this communication:

D1 : ALA-LAURILA J ET AL: "WIRELESS LAN ACCESS NETWORK ARCHITECTURE FOR MOBILE OPERATORS" IEEE COMMUNICATIONS MAGAZINE, IEEE SERVICE CENTER, PISCATAWAY, N.J, US, vol. 39, no. 11, November 2001 (2001-11), pages 82-89, XP001107810 ISSN: 0163-6804

D2 : US 2003/139180 A1 (CHANDRA RUPAK ET AL) 24 July 2003 (2003-07-24)

1. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.
2. Document D1 discloses according to all features of **Claim 1** (the references in parenthesis applying to this document):
 - A method for enabling access to a WLAN communication system (abstract: "WLAN access") comprising:
 - Receiving a WLAN access request from a WLAN communication device(p.86, col.1, l.15-32:"terminal locates the access controller...after...the terminal sends the initial authentication request", Fig.4);
 - setting up a charging call via a second communication system in response to the WLAN access request using second communication system subscription information associated with the WLAN communication device(p.86, col.1, l.33-col.2, l.36:"The authentication server requests triplets from the home location register...If the authentication was successful, the access controller sends the authentication server an indication that a new accounting session has been started", Fig.4);
 - enabling access to the WLAN communication system in response to the setting up of the charging call(p.86, col.1, l.33-col.2, l.36:"the access controller enables routing for the terminal data packets and sends the acknowledgment to the terminal", Fig.4).

Therefore, the subject-matter of Claim 1 is not new in the sense of Article 33(2)

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PCT, and hence, not allowable, Article 33(1) PCT.

3. It has to be considered that even if the subject-matter of Claim 1 were modified in a slight different way, thereby establishing novelty, such a claim could not be regarded as inventive in the sense of Article 33(3) PCT.

The reason for that is that the concept of the alleged invention of integrating a WLAN network with a second communication system, reusing the already deployed billing or accounting capabilities of said second communication system is disclosed in both documents D1 and D2.

4. The apparatus features of independent **Claim 10** correspond to the method features of Claim 1.

Therefore, the same objections regarding lack of novelty (Article 33(2) PCT) or at least lack of an inventive step (Article 33(3) PCT) of the subject matter of Claim 1 in respect to the prior art as represented by documents D1 and D2, apply equally to said Claim 10.

5. The method features of independent **Claim 11** are the features of "accessing a WLAN communication system" corresponding to the features of "enabling access to WLAN communication system" in the method Claim 1.

Therefore, the same objections regarding lack of novelty (Article 33(2) PCT) or at least lack of an inventive step (Article 33(3) PCT) of the subject matter of Claim 1 in respect to the prior art as represented by documents D1 and D2, apply equally to said Claim 11.

6. Dependent claims 2-9 do not contain any features which, in combination with the features of any of the claims to which they refer, meet the requirements of the PCT in respect of novelty or inventive step (Article 33(2) and (3) PCT) for the following reasons:

- Claim 2: The feature in this claim wherein the step of setting up a charging call comprises the step of forwarding authentication request information is disclosed in D1 (p.86, col.1, l.1-col.2, l.36:"initial authentication request...relaying the authentication request to the correct authentication server...a new accounting

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session is created", Fig.4)

- Claims 3, 5: The features in these claims comprising the step of selecting the destination of the charging call depending on the requested service is disclosed in D2 (p.7, col.1, l.13-18:"RADIUS server ...forwards these accounting packets to a billing server through a RADIUS proxy interface to bill telecommunications charges to the appropriate parties")
- Claims 4, 6, 7: The features in these claims wherein the duration of the charging call can be selected and the call is discontinued when the duration has expired is disclosed in D1 (p.87, col.1, l.10-29:" session lifetime value") and it is a well known feature of the RADIUS and DIAMETER IETF protocols where the duration of the session can be set by using a timer.
- Claim 8: The feature in this claim wherein charging is based on volume is disclosed in D1 (p.87, col.1, l.30-39 :"volume based") and well known in the field of billing.
- Claim 9: The feature in this claim wherein a new charging call is initiated in respect of additional access is well known from the RADIUS IETF protocol.

Remarks:

- Contrary to the requirements of Rule 5.1 (a) (ii) PCT, the relevant background art disclosed in the documents D1 and D2 is not mentioned in the description, nor are these documents identified therein.